



Entered on Docket  
August 24, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Placer I Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Placer I Loan ("Placer I Loan") [DE 8441] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on

1 Exhibit A does not affect the direct lenders' right to repayment by the borrower or from the  
2 collateral securing the Placer I Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8441] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those  
6 claims are based entirely upon an investment in the Placer I Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10  
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*  
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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order  
3 accurately reflects the court's ruling and that (check one):

4 \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 \_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who  
7 appeared at the hearing, and any unrepresented parties who appeared  
8 at the hearing, and each has approved or disapproved the order, or  
9 failed to respond, as indicated below [list each party and whether the  
party has approved, disapproved, or failed to respond to the  
document]:

10 Counsel appearing: \_\_\_\_\_

11 \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a  
12 copy of this order with the motion pursuant to LR 9014(g), and that  
13 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
17 Other Party: _____	
18 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
19 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:  
22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)  
24 Attorneys for USACM Liquidating Trust

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26 # # #

**Placer Vineyards I  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim Was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Amount of Claim That Relates to an Investment In the Placer Vineyards I</b>
10725-02287	1/12/2007	Eugene H & Norma M Stokes Trust Dtd 5/16/84,	Norma M Kerner Ttee 2012 Mesquite Ct Carlsbad, CA 92009-6883	101,493.04	50,746.52
10725-01734	12/11/2006	Ferraro, Stanley & Florence	2300 Airland St Las Vegas, NV 89134-5317	60,000.00	60,000.00
10725-00426	10/4/2006	Gary Hogan Ira H01Bd	9900 Wilbur May Pkwy Apt 1604 Reno, NV 89521-4016	50,000.00	50,000.00
10725-00584	10/13/2006	Gene Smith & Emily Smith Patricia Gunn	419 Shipley Dr Yerington, NV 89447-2632	53,715.25	53,715.25
10725-00387	10/2/2006	Gish Family Trust Dtd 6/25/89	George J & Deanna K Gish Ttees 2104 Red Dawn Sky St Las Vegas, NV 89134-5538	54,500.00	54,500.00
10725-00333	9/28/2006	Hanslik, Waldemar	c/o Hanslik, Katharina Ttee 2113 Red Dawn Sky St Las Vegas, NV 89134-5540	70,000.00	70,000.00
10725-00910	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	53,645.83	53,645.83
10725-00338	9/28/2006	Kassel 1988 Trust	C/O William J Kassel Trustee 4533 Pony Express St North North Las Vegas, NV 89031-0114	50,000.00	50,000.00
10725-00337	9/28/2006	Kassel, William	4533 Pony Express St North Las Vegas, NV 89031	50,000.00	50,000.00
10725-01662	12/9/2006	Kehl, Krystina L	Janet L Chub, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	500,000.00	500,000.00
10725-01192	11/10/2006	Land Exchange Accommodators	2775 S Rainbow Blvd Ste 150 Las Vegas, NV 89146-5192	204,537.67	204,537.67

**EXHIBIT A**

2400185.1